

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
S/S Ebenzer Rd., 164.61 ft. E
OF NR/S Belair Road
4335 Ebenzer Road
11th Election District
5th Councilmanic District
Perry Hall Square Partnership,
Legal Owner
PHW Health & Fitness, Inc.
Petitioner/Lessee

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property known as the Perry Hall Square Shopping Center located in the Perry Hall section of Baltimore County. Within the Petition for Special Exception, approval is sought for use of a portion of the subject site as a health club (fitness center). As to the Petition for Variance, relief from strict compliance with five specific regulations is sought. This includes a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 1,059 parking spaces in lieu of the required 1,146 (a deficit of 87 spaces); a variance from Section 409.4 to permit direct access parking on a vehicle travelway; a variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual; a variance from Section 409.8.A.4 to permit existing parking spaces 8 ft. to the right of way line in lieu of the required 10 ft.; and a variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank. All of the relief is more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions.

Appearing on behalf of the Petitions was Martin Pechter from the Perry Hall Square Partnership, a limited partnership which owns the subject

site. Also appearing and participating in support of the Petition were William F. Kirwin, the engineer who prepared the site plan, as well as Kathy Klausmeier, a representative from the Perry Hall Improvement Association, Inc. The Petitioner was represented by Jay L. Lenrow, Esquire. There were no Protestants present.

Testimony and evidence offered was that the subject site is 15.693 net acres in size and is zoned S.L.-C.C.C. The property has been commercially developed as a strip shopping center known as the Perry Hall Square Shopping Center. The site lies adjacent to the intersection of Ebenzer and Belair Roads. To the west, Ebenzer Road becomes Joppa Road. This site is located within a highly commercial corridor of similar properties which front Belair Road. Further, institutional uses, including Perry Hall Elementary School and Perry Hall Middle School are located nearby.

As noted above, this property has been improved and is built out. The shopping center contains a number of retail and commercial uses including a movie theatre, a bowling alley, a restaurant and other retail establishments. The property was under my consideration recently within case No. 93-124-SPHX. At that time, a special hearing was granted permitting conversion of a portion of the site for use by the business known as the Family Fun Jungle. Further, a parking variance previously allowed in case No. 90-318-XA was approved as modified. The Petitioner now comes in for approval of a special exception and related variances.

As to the special exception, the property owner proposes leasing 10,274 sq. ft. (+/-) for use as a health club (fitness center). At the time the Petition was filed, a proposed lessee had been located, namely, PHW Health and Fitness, Inc. That corporation operates a number of other fitness centers in Baltimore County. However, testimony and evidence pre-

sented was that the lease had not been consummated and that PHW Health and Fitness, Inc. had, therefore, withdrawn as a co-Petitioner at the time of the hearing. Nonetheless, the property owner seeks to move ahead with the subject Petition, no doubt hoping that another tenant with similar business interests can be located. As to the variances, there are five requested that are more fully outlined above. These variances mainly relate to the parking requirements for the shopping center and the changes that are necessary to the parking plan as a result of the proposed special exception use.

At the hearing, Mr. Kirwin testified and presented the plan. He noted that the shopping center has been in existence for approximately 30 years and that the parking alignment has remained unchanged during that time. He observed that sufficient parking exists to accommodate the existing and proposed uses in the Center. That is, there is no overflow parking problem or other detrimental traffic impact caused by the shopping center use on the surrounding locale. He also noted those sections of the Zoning Commissioner's Policy Manual which state that a health club (fitness center) is permitted only by special exception in a B.L. zone. In this respect, he discussed the enumerated factors set forth in Section 502.1 of the B.C.Z.R. As is well settled, a special exception may be granted only upon the showing that the proposed use will not be detrimental to the health, safety or general welfare of the locale. The standard for special exceptions is set out in Section 502 of the B.C.Z.R. and has been comprehensively analyzed in other opinions of this office and the case law. Based upon those factors, I am persuaded that the special exception use in this case should be granted. Clearly, the proposed fitness club is entirely consistent with the other uses in this strip shopping center. The clientele of the fitness center will no doubt patronize the other uses in the Center.

That is, the fitness club use is entirely appropriate and consistent with the retail and commercial uses at this location. As such, there will be no detriment to the health, safety or general welfare of the community if the special exception is granted.

Turning to the variances, Mr. Kirwin noted that all are necessary to legitimize the existing situation. As to the first variance relating to the number of spaces required, Mr. Kirwin noted that what is requested at present is a reduction in the number of spaces variances in the prior case (90-318-XA). That is, the Petitioner's parking plan now submitted contains a deficit of only 87 spaces, 7 less than that previously approved. Based upon the testimony of Mr. Kirwin, as corroborated by Ms. Klausmeier, it appears that parking congestion at this location is not an issue. There appears to be more than sufficient spaces available to accommodate all of the tenants of the shopping center. Further, the Center is fully built out and there is no additional area for more spaces to be constructed. Thus, the variance to permit 1,059 parking spaces in lieu of the required 1,146 should be granted.

The second variance relates to Section 409.4 to permit direct access parking on a vehicular travelway. The necessity of this variance is also demonstrated on the site plan and was also testified to by Mr. Kirwin. It is noted that if the variance was not granted, 84 parking spaces would be lost. Generally, these spaces are directed to both the front and rear of the retail buildings. Again, testimony and evidence presented was that the Center has been in existence for many years and that the parking arrangement, as shown, has worked and causes no traffic congestion on site. To reduce the number of spaces available in order to strictly comply with the

regulation would be inappropriate. Therefore, this variance will also be granted.

The third variance relates to a requested waiver of the required design, screening, and landscaping requirements of the Landscape Manual, pursuant to Section 409.8.A.1 of the B.C.Z.R. In this respect, Mr. Kirwin noted that some landscaping is already in place, particularly on the shopping center's frontage along Ebenzer Road. Further, this Center has been in existence for many years and the proposed special exception relates to but a small portion of the improved area of the Center. To require the Petitioner to re-landscape the entire property fully in compliance with the Manual, at this time, would be, in my view, illogical. Nonetheless, Mr. Kirwin indicated that the Petitioner is contemplating additional landscaping. Moreover, the approval granted by this office under case No. 93-18-XA was conditioned upon the Petitioner submitting a landscape plan, which apparently was never done. I am appreciative of the position taken by the Department of Public Works, within their Zoning Plans Advisory Committee comment, that compliance with this prior Order should be required. Thus, I will reaffirm the restrictions contained therein and require the Petitioner to submit a landscape plan. However, that plan need not fully comply with the Manual. Clearly, the fact that the site is fully built out must be taken into account. Further, the proposed special exception area is but a small part of the overall tract. Thus, any landscaping plan should be consistent with that already in place and cognizant of the limited area remaining available for further landscaping improvements.

The fourth variance relates to a request permitting the existing parking spaces to be 8 ft. to the right-of way-line in lieu of the required 10 ft. Again, as Mr. Kirwin observed, this variance is necessary to legiti-

mize an existing situation. Further, to strictly observe this requirement would result in a loss of a number of spaces and several of the mature trees which are located on site. Clearly, the possible loss of these trees and spaces justifies the granting of this variance.

Lastly, a variance is sought to permit 4 stacking spaces in lieu of the required 7. This variance request relates to the drive-in bank use which is located in the middle of the shopping center. I reviewed the site plan carefully on this issue, as well as considered the testimony of Mr. Kirwin. Also, I have considered the comment from the Department of Public Works as it relates to the bank's drive-in facility. Also, I questioned Mrs. Klausmeier, who resides in the area, regarding the current use of this facility. After considering all of this evidence, I am persuaded that the Petition for Variance should, likewise, be granted. A reconfiguration or reorientation of the drive-in facility would not be practical. Reorientation of the drive-in facility towards the rear of the site would not work. The current arrangement works and is acceptable. In view of same, I will grant the final variance proposed, as shown on the site plan.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of July, 1993 that, pursuant to a Petition for Special Exception, approval for a portion of the subject site as a health club (fitness center), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 1,059 parking spaces in

lieu of the required 1,146 (a deficit of 87 spaces), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to permit direct access parking on a vehicle travelway, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 to permit existing parking spaces 8 ft. to the right of way line in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall submit a landscape plan to the Architect for review and approval. Due to the built out nature of the site, the plan need not comply fully with the Landscape Manual but shall provide for additional landscape, where necessary and possible. The Baltimore County Landscape Architect shall approve the plan consistent with the comments expressed herein.

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

July 21, 1993

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Jay L. Lenrow, Esquire
Goldman, Kohn and Dambert, P.A.
36 South Charles Street
Baltimore, Maryland 21201

RE: Case No. 93-349-A
Petition for Zoning Variance
Legal Owner: Perry Hall Square Partnership
Contract Purchase/Lessee: PHW Health and Fitness, Inc.
Petitioner:

Dear Mr. Lenrow:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att:
cc: Mr. William Kirwin
cc: Ms. Kathy Klausmeier

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

93-349-XA

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a health club (fitness center) in a B.L. - C.C.C. Zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Grantor/Grantors/Lessor:

PHW Health & Fitness, Inc.
(Type or Print Name)

Signature: C. Victor Brick, Vice President

200 West Padonia Road
Address

Timonium, MD 21093
City and State

Attorney for Petitioner:

Jay L. Lenrow, Esquire
(Type or Print Name)

Signature: Jay L. Lenrow

40 York Road, Suite 200
Address

Towson, MD 21204
City and State

Baltimore, MD 21201
City and State

Attorney's Telephone No.: (410) 547-1400

Legal Owner(s):

Perry Hall Square Partnership, a limited partnership
(Type or Print Name)

Signature: C. Victor Brick, Vice President

200 West Padonia Road
Address

Timonium, MD 21093
City and State

Attorney for Petitioner:

Jay L. Lenrow, Esquire
(Type or Print Name)

Signature: Jay L. Lenrow

40 York Road, Suite 200
Address

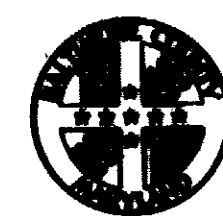
Towson, MD 21204
City and State

Baltimore, MD 21201
City and State

Attorney's Telephone No.: (410) 547-1400



ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHERS
REVIEWED BY: [Signature] DATE 4-9-93



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

4315 Ebenezer Road, Baltimore, Maryland 21236

which is presently zoned B.L. - C.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) SEE ATTACHMENT A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) SEE ATTACHMENT B

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Grantor/Grantors/Lessor:

PHW Health & Fitness, Inc.
(Type or Print Name)

Signature: C. Victor Brick, Vice President

200 West Padonia Road
Address

Timonium, MD 21093
City and State

Attorney for Petitioner:

Jay L. Lenrow, Esquire
(Type or Print Name)

Signature: Jay L. Lenrow

40 York Road, Suite 200
Address

Towson, MD 21204
City and State

Baltimore, MD 21201
City and State

Attorney's Telephone No.: (410) 547-1400

Legal Owner(s):

Perry Hall Square Partnership, a limited partnership
(Type or Print Name)

Signature: C. Victor Brick, Vice President

200 West Padonia Road
Address

Timonium, MD 21093
City and State

Attorney for Petitioner:

Jay L. Lenrow, Esquire
(Type or Print Name)

Signature: Jay L. Lenrow

40 York Road, Suite 200
Address

Towson, MD 21204
City and State

Baltimore, MD 21201
City and State

Attorney's Telephone No.: (410) 547-1400

GOLDMAN, KORN & DODD, P.A.
300 WEST CHARLES STREET
BALTIMORE, MARYLAND 21201

Thomas G. Krumer
WPK
WILLIAM F. KIRWIN, INC.
Phone: 410.337.0075
Fax: 410.823.3827
28 E. Susquehanna Avenue
Towson, MD 21204-5218
Landscape Architecture
Land Planning
Environmental Design



93-349-XA

PERRY HALL SQUARE
PERRY HALL, MARYLAND
SPECIAL EXCEPTION REQUEST
FOR HEALTH AND FITNESS CENTER

ZONING DESCRIPTION

PARKING PARCEL

BEGINNING at a point on the south side of Ebenezer Road with a right of way width of 70 feet, at a distance of 865 feet +/- east of the centerline of Belair Road with a right of way width of 70 feet. Thence the following courses and distances:

North 69 degrees 45 minutes 55 seconds West 165.0 ft., South 20 degrees 14 minutes 05 seconds West 48.0 ft., South 69 degrees 45 minutes 55 seconds East 87.0 ft., South 20 degrees 14 minutes 5 seconds West 194.8 ft., South 53 degrees 52 minutes 25 seconds East 81.1 ft., North 20 degrees 14 minutes 5 seconds East 265.0 ft. to the place of beginning.

CONTAINING 0.55 acres or 23,980 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 6462, Folio 711. Also known as 4200 Ebenezer Road, Perry Hall, Maryland 21128 in the Eleventh Election District.



WILLIAM F. KIRWIN, INC.

Landscape Architecture
Land Planning
Environmental Design
28 E. Susquehanna Avenue
Towson, MD 21206-5218
Phone: 410.337.0075
Fax: 410.823.3827



93-349-XA

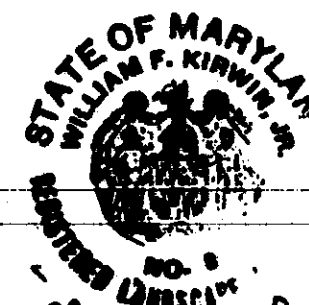
PERRY HALL SQUARE
PERRY HALL, MARYLAND

ZONING DESCRIPTION

BEGINNING at a point at the intersection of the centerlines of Belair Road and Ebenezer Road, thence running in the centerline of Ebenezer Road South 69 degrees 45 minutes 55 seconds East 1,024.00 feet +/-, thence leaving said centerline and running South 20 degrees 14 minutes 05 seconds West 397.00 feet +/- to the point of beginning.

Beginning at said point and running the following courses and distances: South 89 degrees 12 minutes 36 seconds West 27.8 ft., North 53 degrees 52 minutes 25 seconds West 6.0 ft., South 36 degrees 07 minutes 35 seconds West 96.5 ft., South 53 degrees 52 minutes 25 seconds East 9.5 ft., North 89 degrees 12 minutes 36 seconds East 83.0 ft., North 00 degrees 47 minutes 24 seconds West 79.3 ft., to the place of beginning.

CONTAINING 0.11 acres or 5,157 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 6462, Folio 711. Also known as 4200 Ebenezer Road, Perry Hall, Maryland 21128 in the eleventh Election District.



WILLIAM F. KIRWIN, INC.

Landscape Architecture
Land Planning
Environmental Design
28 E. Susquehanna Avenue
Towson, MD 21206-5218
Phone: 410.337.0075
Fax: 410.823.3827



PERRY HALL SQUARE
PERRY HALL, MARYLAND

PARCEL NO. 1

Beginning for the same at a point on the south side of Ebenezer Road, formerly New Joppa Road, located 164.61 feet easterly from the intersection formed by the extensions of the northeast side of Belair Road and the south side of Ebenezer Road, formerly New Joppa Road, as laid out 70 feet wide, said point being at the easterly corner of Parcel "B", as shown on the plat of Section "A", Joppa Vale, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 20, folio 123; and running thence, blinding on the south side of Ebenezer Road, formerly New Joppa Road, South 69 degrees 45 minutes 55 seconds East 1198.75 feet; thence by a line parallel to and 446.13 feet at a right angle from Yvonne Avenue, as shown on the Plat of Section "B", Joppa Vale, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 20, folio 124 South 00 degrees 47 minutes 24 seconds East 778.47 feet to intersect the southern boundary of Section "B" above referred to; and thence blinding thence, and on the outline of Section "A", North 53 degrees 52 minutes 25 seconds West 1498.26 feet and North 43 degrees 00 minutes 35 seconds East 100.00 feet and North 53 degrees 52 minutes 25 seconds West 152.19 feet to the southerly corner of Parcel "B", and thence blinding on the outline of said Parcel "B", North 43 degrees 00 minutes 35 seconds East 189.85 feet to the place of beginning. Containing 15 acres of land, more or less.

PARCEL NO. 2

Beginning for the same at a point on the southeast side of Belair Road located 144.37 feet southeasterly from the intersection formed by the extensions of the southeast side of Belair Road and the southwest side of Ebenezer Road, formerly New Joppa Road as shown on the Plat of Section "A", Joppa Vale, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 20, folio 123, running thence, and blinding reversely on part of the third line of the property conveyed by Anthony Kaditka and wife to Frank A. Keller and C. Randall Keller, Co-mortgages resulting as Keller Realty Company, by Deed dated March 28, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2500, folio 267, as now surveyed, South 53 degrees 52 minutes 25 seconds East 304.38 feet to the beginning of said third line, thence blinding reversely on the second and part of the first line of said conveyance, South 43 degrees 00 minutes 35 seconds West 100.00 feet and North 53 degrees 52 minutes 25 seconds West 303.99 feet to intersect the southeast right-of-way line of Belair Road, as shown on the State Roads Commission of Maryland plat No. 1043, running thence, and blinding on the southeast side of said right of way, as now corrected, North 42 degrees 47 minutes 25 seconds East 99.95 feet to the place of beginning. Containing 0.693 acres of land, more or less. The improvements thereon being now or formerly known as No. 8911 Belair Road.



WILLIAM F. KIRWIN, INC.

Landscape Architecture
Land Planning
Environmental Design
28 E. Susquehanna Avenue
Towson, MD 21206-5218
Phone: 410.337.0075
Fax: 410.823.3827

ATTACHMENT A

REQUIRED ZONING VARIANCES

93-349-XA

- Variance from Section 409.6 to permit 1,059 parking spaces instead of the required 1,146 spaces - a deficit of 87 spaces. (Note that Case No. 90-318-XA granted a variance to allow 1,059 spaces in lieu of the required 1,153 spaces a deficit of 94 spaces. This variance was reaffirmed in Case No. 93-124-SPHX.)
- Variance from Section 409.4 to permit direct access parking on a vehicle travelway.
- Variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual.
- Variance from Section 409.8.A.4 to permit existing parking spaces 8 feet to the right of way line in lieu of the required 10 feet.
- Variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank.

ATTACHMENT B

93-349-XA

To satisfy current zoning regulations for the existing shopping center/parking lot, substantial changes will be required in order to compute parking regulations under the current parking requirements. Significant reconstruction of the parking area will be necessary without variance approval, including:

- Increasing the buffer area width between Ebenezer Road and the parking area by narrowing the parking lot resulting in the removal of pavement, existing curb and gutter, regrading, repaving and replacement of curb and gutter to achieve the requirements of Section 409.8.A.4.
- Changing the plan which currently has direct access parking from a vehicular travelway which is not permitted under Section 409.4. This would require substantial reconstruction and reducing the amount of existing parking.
- Requiring significant landscape screening and other planting per Section 408.A.1 and the Baltimore County Landscape Manual, occasioned by the use of the current parking regulation requirements.
- Requiring seven stacking spaces under Section 409.10 for the Maryland National Bank Drive-Through which currently contains only 4 spaces. There is no current ability to accomplish this without further diminishing the amount of parking provided.

The reconstruction of the above items, associated costs and service disruptions will constitute a practical difficulty for the change of use of an existing structure from retail to a health and fitness center.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 11d Date of Posting: 5/7/93
Posted for: Special Exception & Variance
Petitioner: Perry Hall Sq. Partnership
Location of property: 4315 Ebenezer Rd. + ME's Belair Rd.
Location of Sign: Signs on property to be posted at entrance to property.
Remarks:
Posted by: [Signature] Date of return: 5/7/93
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4122, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4122, 1993.

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6130

Date: 4-9-93
93-349-XA
Perry Hall Square Partnership
Special Ex Ception for 4335 Ebenezer Rd - 300.00
(Commercial)
Gallucci & Kohn, P.A.
Sign & Posting 35
Total \$335.00

01A01W0102MICHRC \$335.00
PA 0009115A04-09-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6130

Date: 4-9
Item #360
Owner: Perry Hall Square Partnership
for Commercial Variance (4300 Ebenezer Rd)
Tristar Management, Inc.
\$250.00

01A01W0102MICHRC \$250.00
PA 0009115A04-09-93
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

93-349-XA (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:
Case No.: Item No.: 360
Petitioner:
LOCATION:
PLEASE FORWARD ADVERTISING BILL TO:
NAME: JAY L. LENROW, Esquire
ADDRESS: GOLDEN, KENNETH + DORRIS, P.A., 36 South Charles Street,
Suite 1500, Baltimore, Maryland 21201-3020
PHONE NUMBER: 410/544-1400

AJ:ggg
(Revised 3/29/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

APRIL 16, 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-349-XA (Item 360)
4335 Ebenezer Road
Perry Hall Square Shopping Center
5/5 Ebenezer Road, 164.61' E of RR/S Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): Perry Hall Square Partnership
Lessee: P&W Health & Fitness, Inc.
HEARING: TUESDAY, MAY 25, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a health club (fitness center).
Variance to permit 1059 parking spaces instead of the required 1146 spaces (a deficit of 87 spaces); to permit direct access parking on a vehicle travelway; requiring design, screening, and landscaping in accordance with the landscape manual; to permit existing parking spaces 8 feet to the right of way line in lieu of the required 10 feet; and to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank.

Arnold Jablon
Director

cc: Perry Hall Square Partnership
P&W Health & Fitness, Inc.
Jay L. Lenrow, Esq.
William F. Kirwin, R.L.S.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 20, 1993

Jay L. Lenrow, Esquire
36 South Charles Street STE 1500
Baltimore, MD 21201

RE: Case No. 93-349-XA, Item No. 360
Petitioner: Perry Hall Square
Partnership, et al
Petition for Special Exception & Variance

Dear Mr. Lenrow:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 26, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

RE: Zoning Advisory Committee Meeting
for April 26, 1993
Item No. 360

The Developers Engineering Division has reviewed the subject zoning item. It appears from the plan that the parking layout can be modified such that no perpendicular parking is proposed along the travelway. This may require loss of some of the parking spaces.

The drive-in windows for the bank should be relocated to the south to provide more spaces for stacking.

Per Case #90-318-XA a landscape plan was required, but never submitted. Compliance with the subject order should be required as part of considering the current petition.

RWB:s

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-15-93

HELPER KEHRING
Ms. Julia Winarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +360 (JJS)

Dear Ms. Winarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350
Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-495-2682 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 4, 1993
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 359, 360, 367, 368, 370, 381 and 382.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Gary L. Burns

PK/JL:lw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: Zoning Petitions

#352B	No comments
#353	No comments
#354	No comments
#355	No comments
#356	Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.
#357	No comments
#358	No comments
#359	No comments
#360	Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.

JLP/dal
cc: File

P.O. Box 63
Perry Hall, Maryland 21128

May 21, 1993

RE: Special Exception #93-349-XA, PHW Health and Fitness, Inc.

Dear Mr. Schmidt:

We request the special exception for the Fitness Center be dissolved if the business should fail or leave the shopping center.

Sincerely,

Dorothy S. McMann
Dorothy S. McMann
President

PERRY HALL IMPROVEMENT ASSOCIATION, INC.

#93-349-XA PHW HEALTH AND FITNESS INC.

AS WITNESS OUR HANDS AND SEAL THIS 6 DAY OF MAY
1993.

ATTEST: PERRY HALL IMPROVEMENT ASSOCIATION, INC.

ee
Secretary

Dorothy A. McMahon
President

RESOLUTION

AND AFFIRM ITS SUPPORT.

SO MOVED; SECONDED;

VOTE: UNANIMOUS;

IS SO AUTHORIZED TO ACT.

PERRY HALL IMPROVEMENT ASSOCIATION

BY: C. M. ...
...

PERRY HALL IMPROVEMENT ASSOCIATION, INC.

DOROTHY S. MCMANN	PRESIDENT
KEITH NOVAK	VICE-PRESIDENT
CHARLES MARKS	RECORDING SECRETARY
DOLORES STADLER	CORRESPONDING SECRETARY
BARBARA MILLER	TREASURER

BOARD OF DIRECTORS		
KATHY MARTIN	SUSAN VON LINDENBERG	EDNA WILSON
MARK MILLER	EDWARD WATTS	

AS WITNESS OUR HANDS AND SEAL THIS TWELFTH DAY OF MARCH
1992.

ATTEST:

PERRY HALL IMPROVEMENT ASSOCIATION, INC

C. Enah
SECRETARY

Dorothy A. Mc Mann
PRESIDENT

PERRY HALL IMPROVEMENT ASSOC., INC.
P.O. Box 63
Perry Hall, MD 21128

Lawrence Schmidt
Zoning Commissioner
11 West Chesapeake Avenue
Towson, MD 2104

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

JAY L. LENROW

15th Floor, 36 South Charles St, Baltimore 21201

BILL KIRWAN

28 E SUSQUEHANNA AVE TOWSON 21286

MARTIN Pechter

40 York Road Tuxton 21204

Kathy Klausmeier

4100 Walter Ave 21236

